

VZCZCXRO2162  
PP RUEHDBU RUEHIK RUEHYG  
DE RUEHBUL #1630/01 1011127  
ZNR UUUUU ZZH  
P 111127Z APR 06  
FM AMEMBASSY KABUL  
TO RUEHC/SECSTATE WASHDC PRIORITY 9536  
INFO RUCNAFG/AFGHANISTAN COLLECTIVE  
RUCNIRA/IRAN COLLECTIVE  
RHEHAAA/NSC WASHDC  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHDC  
RUEKJCS/OSD WASHDC  
RUEKJCS/SECDEF WASHDC  
RUEKJCS/JOINT STAFF WASHDC//JF/UNMA//  
RUEKJCS/JOINT STAFF WASHINGTON DC//J3//  
RHMFISS/CDR USCENCOM MACDILL AFB FL  
RHMFISS/HQ USCENCOM MACDILL AFB FL  
RUMICEA/JICCENT MACDILL AFB FL  
RHMFIUU/COMSOCCENT MACDILL AFB FL  
RUEATRS/DEPT OF TREASURY WASHDC  
RUCNDT/USMISSION USUN NEW YORK 2421  
RUEHNO/USMISSION USNATO 2615  
RUEHGV/USMISSION GENEVA 5821  
RUEHUNV/USMISSION UNVIE VIENNA 1262

UNCLAS SECTION 01 OF 02 KABUL 001630

SIPDIS

SENSITIVE  
SIPDIS  
RELEASABLE TO NATO/AUST/NZ/ISAF

STATE FOR SCA/FO, SCA/A, S/CRS, SCA/PAB, S/CT,  
EUR/RPM  
STATE PASS TO USAID FOR AID/ANE, AID/DCHA/DG  
NSC FOR AHARRIMAN, KAMEND  
CENTCOM FOR CG CFC-A, CG CJTF-76, POLAD

E.O. 12958 N/A  
TAGS: [PGOV](#) [KJUS](#) [SOCI](#) [AF](#)  
SUBJECT: PRT/LASHKAR GAH - PROSECUTORS DISCUSS THEIR  
ROLE

REF: KABUL 1325

KABUL 00001630 001.4 OF 002

1. (SBU) SUMMARY: At a PRT sponsored seminar on March 28, Helmand prosecutors demonstrated a good knowledge of procedures and the applicable sections of the Afghan constitution. They cited lack of evidence and police corruption as the main reasons why many cases are not sent forward to judges. A key issue that remains unresolved is the extent to which the court system will be involved in religious law issues. END SUMMARY.

2. (SBU) As part of its judicial reform effort, the PRT's Civil Affairs deputy commander, Captain Allan Dollison, led a discussion with a number of Helmand provincial prosecutors. Attendees included Mohammed Ismael, Prosecutor for the National Directorate of Security (NDS); Abdul Hadi Hamkar, Deputy Director of the Public Court; Abdul Sattar Dawri, Chief Civilian Prosecutor; Raz Mohammed Hadam, Chief of Lashkar Gah Prison; Ali Mohammed, Deputy Chief of the Lashkar Gah Prison; Mohammed Issa, Deputy Prosecutor for Investigations for NDS; Khosal, Prosecutor of Security Cases; Lal Mohammed, NDS Detention Facility Chief; Ghulam Reza, Prosecutor of Business Cases; and Mohammed Hussein, police prosecutor.

3. (SBU) In a spirited four-hour discussion, the main topics covered included the how the court

system functions and the rules of procedure within the constitutional framework. Those participating appeared to have a good grasp how the judicial system fits within the constitution. A number of participants reported that they had received their legal education in the former Soviet Union.

#### IMPORTANCE OF PROSECUTORS

¶4. (SBU) Several prosecutors said that they strongly believed in the formal justice system. Prosecutors, they noted, are key players in the drive to establish a fair civil society in the province. (Note: It is estimated that only about 15 to 20 percent of cases are decided in the formal justice system. Most cases are decided within village and district councils, known as the "informal system." End Note.) The prosecutors deferred discussion of the informal justice system, noting that the subject should be discussed at a separate conference.

#### CORRUPTION

¶5. (SBU) Prosecutors lamented that many cases are dismissed due to ineptness and/or corruption among the police. Normally, the police cite lack of evidence as the main reason, but several prosecutors said that the lack of evidence is often an excuse when police have been bribed to drop a case. During the discussion, prosecutors raised the suggestion that prosecuting some high profile government officials involved in corruption would improve their

KABUL 00001630 002.2 OF 002

legitimacy in the public's eye and bring more cases into the formal justice system. They praised Governor Daud for his goals to improve the provincial government, but expressed doubts that these efforts will have a significant impact on public corruption.

#### COMMENT

¶6. (SBU) In this meeting, together with an earlier judicial conference (reftel), the PRT has helped prepare the ground for the upcoming UK deployment, which will include a justice advisor as well as a focus on security sector reform. For Helmand province, the effort to improve the formal justice system will have to be multi-dimensional, including reform efforts from the lowest beat cop to the senior judges. Such an effort is likely to be long and arduous.

NORLAND